

REMARKS

The only issues outstanding in the Office Action mailed August 14, 2003, are the treatment of the Search Report and the rejections under 35 U.S.C §103. Reconsideration of each of these issues, in view of the following discussion, is respectfully requested.

Search Report

It is argued at page 2 of the Office Action that the references in the International Search Report will not be listed on a patent resulting from the present application because they are not provided on a separate list in compliance with 37 C.F.R. 1.98. It is respectfully submitted that this application, being a PCT application, does not necessitate a Form 1449 as urged. However, in order to expedite prosecution, a Form 1449 is provided for the Examiner's convenience. Return of the initialed form is respectfully requested.

Rejections Under 35 U.S.C §103

Claims 1-6, 9, 10, 12, 14-17 and 27-32 have been rejected under 35 U.S.C §103 over Mohrluk. Reconsideration of this rejection is respectfully requested.

As noted at page 2 of the Office Action, Mohrluk teaches a cosmetic composition comprising a wax base comprising a cosmetic solvent, coloring agent and organic wax. The organic wax contains at least 15% by weight of silicone wax, which silicone wax is an organosilicon block copolymer, a hydrocarbon-silicone copolymer, *a silicone-carnauba wax*, a siloxane polymer or a silphenylene copolymer. See column 2, lines 23 through column 3, line 75. The Office Action argues that at columns 12-13 teaches that the epoxy bearing radical of the silicone-containing compound reacts with carnauba wax resulting in silicone-modified carnauba wax. The Office Action further argues that, although patentees indicate that the silicone-carnauba wax complex is linked "predominantly" by ether linkages, ester linkages also occur. Thus, the Office Action concludes that the principle difference between Mohrluk and the present claims is that the present claims recite ester linkages versus the predominant ether linkages of Mohrluk.

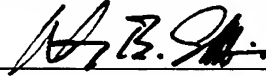
In fact, there is a fundamental difference between the teachings of Mohrlök and the present claims, which has apparently been overlooked, and that is the nature of the wax itself. The silicone-carnauba wax of the patent in no way suggests a silicone-modified polyethylene or polypropylene wax as claimed. First, of course, carnauba wax is a natural product, while polyethylene and polypropylene waxes are synthesized materials. Importantly, Mohrlök teaches that the carnauba wax in the invention would be one of an ester compound formed from a n-alkanoic acid having 30 carbon atoms and an n-aliphatic alcohol having 34 carbon atoms at most. Such a material is considerably different than a polypropylene or polyethylene wax. Thus, it is clear that Mohrlök in no way discloses or suggests a material within the scope of the present invention, in view of the different nature of the waxes therein. Thus, for example, new claim 34 is in no way suggested by Mohrlök. As further evidence thereof, attention is directed to the attached declaration under 37 C.F.R. 1.132, preparing a silicone-modified carnauba was in accordance with Mohrlök, as well as polyethylene wax having a molecular weight of 500. Comparison with the examples in the present specification clearly shows that materials in accordance with Mohrlök, as well as polyethylene waxes not in accordance with the invention (in as much as they are not silicone-modified) are inferior. Thus, this provides further evidence of the non-obviousness of the presently claimed materials.

Moreover, Mohrlök teaches that the molecular weight of their carnauba wax therein is less than 1,000, since the greatest number of carbon atoms that can be present in patentees' carnauba wax is 64, note column 11, lines 25-36. It is therefore respectfully submitted that patentees in no way suggest the use of polyethylene or polypropylene waxes, such as those of claim 34, much less those having a minimum molecular weight of 1,000 such as those of claims 1-33. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-33 have also been rejected over Suzuki, et al. '560 taken with Mohrlök. Reconsideration of this rejection is also respectfully requested. As admitted at page 4 of the Office Action, Suzuki does not teach silicone-modified wax, instead, consistently with Mohrlök, teaching carnauba wax. Thus, even if carnauba wax modified by silicone were obvious as urged at page 5 of the Office Action, this fails to suggest the present invention. Withdrawal of this rejection is also respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Harry B. Shubin, Reg. No. 32,004
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: TAKIT-167

Date: November 14, 2003

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